

**BEFORE THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS**

In the Matter of the Investigation of **David** )  
**Roach, d/b/a WGC Trucking of Lewis,** )  
**Kansas,** Regarding the Violation of the Motor )  
Carrier Safety Statutes, Rules and Regulations ) Docket No. 17-TRAM-421-PEN  
and the Commission's Authority to Impose )  
Penalties, Sanctions and/or the Revocation of )  
Motor Carrier Authority. )

**MOTION TO AMEND PENALTY ORDER**

The Staff of the State Corporation Commission of the State of Kansas (Staff and Commission, respectively), by and through its counsel Ahsan A. Latif, file this Motion requesting the Commission issue an Amended Penalty Order reducing the penalty assessed to David Roach, d/b/a WGC Trucking (WGC Trucking), by fifty-percent (50%) less than the penalty assessed in the Penalty Order dated April 4, 2017. In support of this Motion, Staff states as follows:

1. On April 4, 2017, a Penalty Order was issued to WGC Trucking assessing it a penalty of \$950 for two (2) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations. The violations were found during a Safety Compliance Review conducted by Special Investigator(s) Gregory Askren on March 2, 2017.

1. The Notice of Penalty Assessment attached to the Penalty Order advised WGC Trucking it was a New Entrant carrier and was eligible for a fifty-percent (50%) reduced penalty if it submitted a signed and dated Reduced Penalty Agreement within fifteen (15) days from the date of the Penalty Order, stating it will comply with the reduced penalty option terms and obligations stated therein.

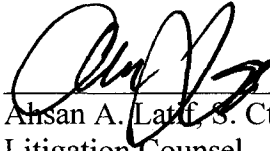
2. On April 19, 2017, WGC Trucking submitted the Reduced Penalty Agreement. The Corrective Action Plan was submitted by the carrier and has been approved by Transportation Staff. The Reduced Penalty Agreement is attached hereto and is hereby incorporated by reference.

3. Staff recommends the Commission issue an Amended Penalty Order assessing WGC Trucking a reduced penalty of \$475 (50% less than originally assessed) and requesting it to comply with the following terms and obligations:

- a. within thirty (30) days from the date of the Penalty Order dated April 4, 2017  
WGC Trucking shall send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance must be submitted to the Transportation Division;
- b. within eighteen (18) months of the Penalty Order dated April 4, 2017, WGC Trucking must submit to a follow-up Safety Compliance Review. Transportation Staff will contact the carrier to set up the review; and
- c. within (30) days from the date of service of the Amended Penalty Order WGC Trucking must submit payment of \$475.

**WHEREFORE**, for the reasons set forth herein, Staff requests an Amended Penalty Order be issued by the Commission assessing David Roach, d/b/a WGC Trucking a reduced penalty of \$475, which is fifty-percent (50%) less than penalty(s) assessed pursuant to the FY 2017 Uniform Penalty Assessment Matrix, and ordering it to comply with the proposed terms and obligations set out in paragraph 3 above.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'A. Latif', is positioned above a horizontal line.

Ahsan A. Latif, S. Ct. #24709

Litigation Counsel

Kansas Corporation Commission

1500 S.W. Arrowhead Road

Topeka, Kansas 66604-4027

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Fax: 785-271-3167

Email: [a.latif@kcc.ks.gov](mailto:a.latif@kcc.ks.gov)

Attorney for Commission Staff

1500 SW Arrowhead Road  
Topeka, KS 66604-4027



Phone: 785-271-3100  
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<http://kcc.ks.gov/>

Pat Apple, Chairman  
Shari Feist Albrecht, Commissioner  
Jay Scott Emler, Commissioner

Sam Brownback, Governor

### REDUCED PENALTY AGREEMENT

Docket No. 17-TRAM-421-PEN

David Roach, d/b/a WGC Trucking hereby submits this Reduced Penalty Agreement to become eligible for a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated April 4, 2017. WGC Trucking has agreed to comply with the following terms and obligations:

1. WGC Trucking has submitted, within fifteen (15) days from the date of the Penalty Order issued on April 4, 2017, this Reduced Penalty Agreement to Litigation Counsel at the above address.
2. WGC Trucking will, within 30 days from the date of the Penalty Order dated April 4, 2017, submit to Transportation Staff an approved Corrective Action Plan (CAP) documenting the violation(s) describing specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.
3. WGC Trucking will, within thirty (30) days from the date of the Penalty Order dated April 4, 2017, send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance will be submitted to the Transportation Division.

David Roach, d/b/a WGC Trucking understands that Transportation Litigation Counsel will file a Motion for Amended Penalty Order with the agreement attached to the motion. The Amended Penalty Order will assess WGC Trucking a fifty-percent (50%) reduced penalty of \$475, and set out the terms and conditions stated above. Once the Amended Penalty Order is issued by the Commission, WGC Trucking will have thirty (30) days from the date of service of the Amended Order to pay the reduced penalty assessed.

Dated this 9 day of April, 2017.

David Roach, d/b/a WGC Trucking

Kansas Corporation Commission

APR 19 2017

Office of Litigation Counsel

David Roach owner  
David Roach  
Owner

**VERIFICATION**

**17-TRAM-421-PEN**

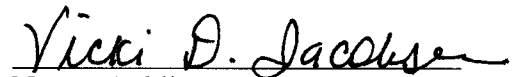
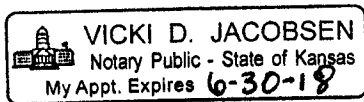
STATE OF KANSAS            )  
  ) ss.  
COUNTY OF SHAWNEE        )

Ahsan A. Latif, of lawful age, being duly sworn upon his oath deposes and states that he is Litigation Counsel for the State Corporation Commission of the State of Kansas; that he has read and is familiar with the foregoing *Motion to Amend Penalty Order*, and attests that the statements therein are true and correct to the best of his knowledge, information and belief.



Ahsan A. Latif, S. Ct. # 24709  
Litigation Counsel  
The State Corporation Commission  
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 9<sup>th</sup> day of May, 2017.

  
Notary Public

My Appointment Expires: June 30, 2018

**CERTIFICATE OF SERVICE**

17-TRAM-421-PEN

I, the undersigned, certify that a true and correct copy of the above and foregoing Motion for Amended Penalty Order was served via electronic service this 9th day of May, 2017, to the following:

DAVID ROACH, OWNER  
DAVID ROACH  
D/B/A WGC TRUCKING  
1953 JACKSON ST  
LEWIS, KS 67552-5220  
hamblin@gbta.net

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Vicki Jacobsen